

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 13, 2003

P. Sartorius called the meeting to order at 4:02 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, T. Johnson, T. Michalski, L. Spataro

MEMBERS ABSENT: B. Smith

STAFF PRESENT: D. Steenhagen, H. Griffith

OTHERS PRESENT: G. Post, Muskegon Construction Co.; B. Jacobson, HDC Construction.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of October 16, 2003 was made by T. Johnson, supported by L. Spataro and unanimously approved.

S. Warmington arrived at 4:03 p.m.

PUBLIC HEARINGS

Hearing; Case 2003-43: Request to rezone the south half of block 317 (including the former Boilerworks property) from I-2, General Industrial to H, Heritage, by Muskegon Group Properties, LLC. D. Steenhagen presented the staff report. The subject property is located at the corner of Eighth St. and Clay Ave. The north half of the block is currently zoned H, Heritage and the southern portion, containing the former Boilerworks building and a portion of the Eagles' parking lot, is currently zoned I-2, General Industrial. Staff had initiated a rezoning of this property last year to either B-3 or H. The request was tabled and then withdrawn, as that proposed project never moved forward. The current applicant is proposing to use the building for artist studio apartments and gallery space. The applicant has requested to change the zoning of the Boilerworks property. Staff has added the Eagles' parking lot to the request in order to keep the zoning of the block consistent and not leave that small portion zoned I-2 with the rest of the block zoned H. The rest of the Eagles' entire property is currently zoned H. The Boilerworks building is visible from Western Ave. and Shoreline Dr. During the Summer Celebration festival every summer and other festivals held at Heritage Landing, this building is seen by a very large number of people. Redevelopment of this building would go a long way toward improving the image of the downtown area. The proposed use of the building is for loft apartments with studio space for artists, along with associated gallery and conference space. This is a unique re-use for this building and an exciting opportunity for downtown Muskegon. The applicant will be applying for a Planned Unit Development for the proposed development

on the Boilerworks property. The proposed use does not entirely fit within any existing zoning designation, and it was determined that a PUD would be the best option for the site. The Future Land Use Map shows the subject property to as "Downtown/Lakeshore Redevelopment Area". The Downtown/Lakeshore Redevelopment Sub-Plan of the Master Land Use Plan states: a) Downtown Muskegon exhibits little sense of place. From a physical and economic perspective, most uses do not relate to other nearby uses. b) The availability of land in the current commercial core and waterfront area is a significant opportunity. With targeting of public and private resources, phased development, and proper marketing, the land, much like the water, provides Muskegon with the opportunity to plan for and define its own destiny. c) Much of the Downtown and Lakeshore are perceived as tainted remnants of Muskegon's industrial history. Although the Downtown borders one of the regions largest inland lakes, its history and the current "Brownfield" nature of many properties present a perceptual hurdle to appreciating this natural asset. d) Success in a competitive environment calls for an aggressive approach to recruitment of business and investment. e) Historically the waterfront has been used primarily for industrial purposes. Utilization of this history can be an asset. Residential activity, mixed with a working industry, is in vogue in many waterfront communities, creating an urban ambience not otherwise achievable. The subject property is located in one of the Downtown Core GEMS Functional Areas defined in the Downtown/Lakeshore Redevelopment Plan. The subject property is shown in the "Guest and Entertainment Center" area. a) The Guest and Entertainment Center provides opportunity to concentrate a variety of entertainment, service and retail uses in close proximity to existing facilities of local and regional significance... b) The Boiler Works building requires a fair amount of renovation, but could be used for housing, offices, shopping, museum, health club or spa, or education facility. Staff also received phone calls from Allen Workman and Roy (Port City Paints). They both had questions but did not give an opinion. There was also a phone call from Julie (Ginman Tire) who had no objections. Staff recommends approval of the request.

G. Post felt that this would be a great addition to the downtown area. L. Spataro asked if they would be pursuing a historic designation as well. G. Post stated that they would not. T. Johnson asked if the heritage zoning would cause them any problems for what they would like to do. G. Post stated that it wouldn't. They would be pursuing a PUD in January and this would comply with the zoning requirements for the Heritage district.

A motion to close the public hearing was made by S. Warmington, supported by J. Aslakson and unanimously approved.

J. Aslakson stated that he is a big fan of industrial architecture and feels this is a good idea. T. Harryman agreed.

A motion that the request to rezone property in the south half only of block 317 as described in the public notice, from I-2, General Industrial to H, Heritage be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by T. Johnson, supported by J. Aslakson and unanimously approved.

Hearing; Case 2003-44: Staff-initiated request to vacate the east/west alley in Block 1 of the Marcoux Sub. Of Block 38, bounded by Marcoux Ave., Getty St., Wesley Ave. and Mulder St.

D. Steenhagen presented the staff report. Earlier this year, the Environmental Inspector for this area brought a situation to staff's attention regarding the properties at 613 and 625 S. Getty St. There is an unbuildable City-owned lot in between these two properties (619 S. Getty St.) and both property owners have been parking cars on it. The City's policy is to sell unbuildable lots to adjoining property owners, and staff has been working with both owners, as they are both interested in purchasing it. Both of their homes are on lots that are also considered unbuildable and therefore they would have difficulty rebuilding their homes if they were to be destroyed. By adding portions of the City-owned lot to their properties, they would each then have a buildable lot, as they would each have more than 50 feet of frontage and over 6,000 square feet. They would also then have room to establish legal driveways to park on. As staff looked into the sale of the lot to these two property owners, it was realized that there is an existing alley in between one of the property owners and the City-owned lot (in between 619 and 625 S. Getty). Only property owners who are adjacent to City-owned properties are eligible to purchase them, as lots are required to be joined to the property owner's original property. Staff has therefore been looking into the possibility of vacating the alley. If vacated, the alley would be evenly split between adjoining property owners, which would then make the properties at 619 and 625 S. Getty contiguous and would allow the property owner at 625 S. Getty to purchase a portion of the City-owned lot at 619 S. Getty. There are no utilities within the subject alley, and therefore the Engineering Department and the Department of Public Works have no objections to the proposed vacation.

B. Mazade arrived at 4:13 p.m.

J. Aslakson stated that the alley looked like it was more of a paper alley than an actual alley due to some fencing that is in the area. He asked if anyone was using the alley as access from Mulder St. D. Steenhagen stated that she didn't receive any phone calls so she didn't believe so. T. Johnson asked if there were any signed deals for the purchase of the property. D. Steenhagen stated that there aren't any signed agreements, but the adjoining property owners are interested in purchasing it. T. Harryman asked if notices were sent and if there was any responses. D. Steenhagen stated that the notices were sent to the properties adjoining the alley and she had received no responses.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the request to vacate the existing east/west alley in Block 1 of the Marcous Sub. Of Block 38, bounded by Marcoux Ave., Getty St., Wesley Ave. and Mulder St., be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following condition: That any relevant City easements be retained, was made by L. Spataro, supported by T. Johnson and unanimously approved.

Hearing; Case 2003-45: Staff-initiated request to rezone a portion of City-owned property at the northeast corner of Getty St. and Marquette Ave. from RM-1, Low Density Multiple-Family Residential to R-1, Single-Family Residential. Staff has removed this item from the agenda temporarily. No notice letters were sent out. It will be re-added to the agenda for the December meeting and will be noticed for that meeting.

P. Sartorius stated that this matter would be suspended with no action at this time.

Hearing; Case 2003-46: Staff-initiated request to amend the Zoning Ordinance to add, delete and update several definitions in Article II (Definitions). D. Steenhagen presented the staff report. Staff is proposing several changes to the Definitions section of the ordinance. These changes deal with issues, which have come up lately, as well as clean-up issues left over from other past amendments and also some changes staff is proposing to clarify and make administering the ordinance easier. The proposed changes were provided to the commission members. Staff went over each of the proposed changes.

The commission members discussed the definition for driveway. T. Johnson stated that the regulations should be located under General Provisions and not in the definition. L. Spataro felt that the definition for driveway shouldn't be amended. P. Sartorius asked if the classification of street has to do with the funding for street repairs. D. Steenhagen stated that it did not. The State classifies the streets themselves. The classifications that are in the zoning ordinance are for determining setbacks and signage. L. Spataro asked since Wood St. is proposed as a collector street, had a survey been performed along Wood St. to see if any of the properties would end up be classified as unbuildable due to the fact that lots aren't very deep. D. Steenhagen explained the reason for adding Wood St. as a collector street.

A motion to close the public hearing was made by T. Johnson, supported by J. Aslakson and unanimously approved.

A motion that the proposed additions, deletions and amendments to Article II (Definitions) of the Zoning Ordinance with the exception of the definition for driveway be recommended to the City Commission for approval, was made by J. Aslakson, supported by L. Spataro and unanimously approved.

OTHER BUSINESS

Harbortowne sidewalks. D. Steenhagen stated that the City Attorney has provided staff with a proposed consent special assessment agreement. Once staff has looked it over, it will be sent out to give John Darien and the Association a chance to look it over. The City Attorney suggested giving them a couple of weeks to look it over and respond and then go from there.

Historic Designations for Downtown Structures. P. Sartorius asked if there was a decision as to when they would discuss this and who they should address questions to. B. Mazade stated any questions should be directed to Brian Lazor. T. Johnson stated that the preliminary and the final reports should be presented to the Planning Commission. D. Steenhagen stated that if the commission members wish to discuss this, they might want to wait until B. Lazor could be present to answer any questions they may have. T. Johnson stated that the preliminary report should be brought before the Planning Commission for discussion. T. Harryman agreed and the commission members should make a recommendation. L. Spataro stated that he had requested that the public hearing be noticed and placed on the December 9th City Commission meeting. P. Sartorius stated that in order for the Planning Commission members to discuss this and make a recommendation before the Dec. 9th public hearing, they should have a special meeting. B.

Mazade stated that although the public hearing would be before the City Commission on the 9th, it doesn't mean that they will take action on the report at that time. T. Harryman stated that he had some concerns. He asked if scattered historic districts were allowed. L. Spataro stated that they were. T. Harryman asked if there was a better indication of a timeline for historic designations for these buildings. L. Spataro stated that there isn't. He knows that two of the businesses had been asked to vacate. He hasn't seen any site plans for the mall property. P. Sartorius asked how long the process is to have a demolition permit issued. B. Mazade explained the process. He would prefer to discuss this at the regular meeting in December and make the recommendations at that time.

Cross Lake Ferry. D. Steenhagen stated that there might be a need to hold a special meeting regarding the site plan for this. The applicant isn't sure that they would have it ready to submit for the deadline for the regular meeting in December. They are suggesting the possibility of having a special meeting on December 18th. L. Spataro asked how much time is needed for an adequate staff review. T. Johnson suggested placing the site plan review on the December agenda. This way there may not be a need for a special meeting provided the applicant can get everything in on time for the meeting.

Sign Ordinance. P. Sartorius asked the commission members if they would like to discuss this today or add it to a future agenda. S. Warmington stated that it should be placed on a future agenda. P. Sartorius suggested having it on the January agenda. S. Warmington asked if it could be placed on the December agenda and have the information mailed to them then. He stated that if there is time during the December meeting, then they could discuss it then.

There being no further business, the meeting adjourned at 4:52 p.m.

hmg
11/13/03